

Bill no.:	HR 3893
H.L.C.	
Amendment no.:	3a
Date offered:	9/28/05
Disposition:	Agreed to by 26 yeas and 27 nays

SUBSTITUTE AMENDMENT TO THE AMENDMENT

OFFERED BY MRS. WILSON TO H.R. 3893

OFFERED BY Mr. Stearns

Redesignate sections 401 and 402 as sections 403 and 404, respectively, and insert at the beginning of title IV the following:

1 **SEC. 401. SHORT TITLE.**

2 This title may be cited as the "Gas Price Gouging
3 Prevention Act".

4 **SEC. 402. GASOLINE PRICE GOUGING PROHIBITED.**

5 (a) UNLAWFUL CONDUCT.—During a period and in
6 an area of a major disaster, it shall be an unfair or decep-
7 tive act or practice in violation of section 5 of the Federal
8 Trade Commission Act for any person to sell gasoline or
9 diesel fuel at a price which constitutes price gouging as
10 defined by rule pursuant to subsection (b).

11 (b) PRICE GOUGING.—Not later than 1 year after the
12 date of the enactment of this Act, the Commission shall
13 promulgate any rules necessary for the enforcement of this
14 section. Based on its findings from the investigation re-
15 quired by section 403, the Commission shall, in such rules,
16 define "price gouging" for purposes of this section. Such
17 rules shall be consistent with the requirements for declar-



1 ing unfair acts or practices in section 5(n) of the Federal
2 Trade Commission Act (15 U.S.C. 45(n)).

3 (c) ENFORCEMENT BY FTC.—A violation of sub-
4 section (a) shall be treated as a violation of a rule defining
5 an unfair or deceptive act or practice prescribed under sec-
6 tion 18(a)(1)(B) of the Federal Trade Commission Act
7 (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission
8 shall enforce this Act in the same manner, by the same
9 means, and with the same jurisdiction as though all appli-
10 cable terms and provisions of the Federal Trade Commis-
11 sion Act were incorporated into and made a part of this
12 Act.

13 (d) PENALTIES.—Any person who violates subsection
14 (a), or the rules promulgated pursuant to this section,
15 shall be subject to a civil penalty of not more than \$11,000
16 per day in which a violation occurs.

17 (e) DEFINITION OF MAJOR DISASTER.—

18 (1) DETERMINATION.—As used in this section,
19 and for purposes of any rule promulgated pursuant
20 to this section, the term “major disaster” means a
21 major disaster declared by the President as defined
22 in section 102(2) of the Robert T. Stafford Disaster
23 Relief and Emergency Assistance Act (42 U.S.C
24 5122(2)) that the Secretary of Energy determines to



1 have substantially disrupted the production, distribu-
2 tion, or supply of gasoline or diesel fuel.

3 (2) APPLICABLE AREA AND PERIOD.—The pro-
4 hibition in subsection (a) shall apply in an area de-
5 termined to be a major disaster under paragraph (1)
6 and for a period of 30 days after such determination
7 is made.

Page 48, line 3, strike “\$500,000” and insert
“\$500,000,000”.

In the table of contents, strike the items relating to
section 401 and 402 and insert the following:

- 401. Short title.
- 402. Gasoline price gouging prohibited.
- 403. FTC investigation on price gouging.
- 404. FTC study of petroleum prices on exchange.

